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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,082	05/22/2006	Thomas Huber	59482.21880	3687
30734	7590	10/30/2008	EXAMINER	
BAKER & HOSTETLER LLP			OHARA, BRIAN M	
WASHINGTON SQUARE, SUITE 1100				
1050 CONNECTICUT AVE. N.W.			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20036-5304			3644	
			MAIL DATE	DELIVERY MODE
			10/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/565,082	HUBER ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Brian M. O'Hara	3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 October 2008.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) 11-17 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 18 January 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>01/18/2006</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of Invention I drawn to Claims 1-10 in the reply filed on 10/17/2008 is acknowledged. The traversal is on the ground(s) that examination of the entire application would not be a serious burden on the examiner. This is not found persuasive because Claims 1-10 and 11-17 are drawn to separate inventions, which require separate searches and examinations. The elements of claims 11-17 would require a search in class/subclasses 52/474, 480 wherein, examination of claims 1-10 only require a search in class 244.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 11-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 10/17/2008.

***Specification***

3. Paragraph 4 under the subheading "FIELD OF THE INVENTION" is objected to under 35 U.S.C. 132(a) because it potentially introduces new matter into the disclosure throughout the course of prosecution. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. If claim 1 were to be amended during the prosecution, then new material which is not supported by the original

disclosure would necessarily be incorporated into the specification because of the reference to Claim 1 in this paragraph.

4. Applicant is required to incorporate the language of Claim 1 into the "FIELD OF INVENTION" section.

### ***Claim Objections***

5. Claim 1 is objected to because of the following informalities: Claim 1 should start with the phrase "A cargo deck" instead of just "Cargo deck", and the end of Claim 1 is unfinished.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1, 2, and 4-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergholz (US Patent 4,479,621 A).** Bergholz discloses a cargo deck (See Fig. 2), comprising: a plurality of floor modules (12) which are decoupled from each other (See elements "12" in Figure 10), a pair of longitudinal beams (17) which are fixed to a plurality of ribs (22) which are fixed to the outer skin (16) of the aircraft, rapid closure elements (52, See Column 6 Lines 47-51) that attach to the longitudinal beams

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in such a way that substantially no longitudinal forces are transferred between longitudinal beams and floor modules, transverse beams (54) which connect floor modules to longitudinal beams, connecting feet (15) connected to ribs, and fixation elements (51) which are attached to an edge region (53) that does not contain bores.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergholz.** Bergholz discloses the structure of a cargo deck for an aircraft as disclosed above, but does not disclose the material of the longitudinal beams being of the same coefficient of thermal expansion. However, Bergholz discloses that many different materials could be used and that one of ordinary skill in the art would be able to select the appropriate material for the application (See Column 8, Lines 30-44). Therefore, at the time of invention it would have been obvious to one of ordinary skill in the art to provide the longitudinal beams in a material with an appropriate and substantially corresponding coefficient of thermal expansion. The motivation for doing so would be to keep the beams from ripping the structure apart during extreme temperatures.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian M. O'Hara whose telephone number is (571)270-5224. The examiner can normally be reached on compressed 5/4/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael R. Mansen can be reached on (571)272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Teri P. Luu/  
for Michael Mansen, SPE of Art Unit 3644

/B. M. O./  
Examiner, Art Unit 3644